

leaving respondent's nursing home facility to purchase milk, one of claimant's specific duties. Claimant immediately reported the incident to her co-workers and prepared an incident report. Because it was a Sunday, no management personnel were working that day. Claimant's testimony was supported by that of a married couple who visited the nursing home facility on the day of the accident and testified about the presence of patches of ice in the parking lot and their conversation with claimant about her work-related accident that had occurred earlier in the day.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge George R. Robertson entered in this proceeding on April 10, 1995 should be, and hereby is, reversed; that claimant did sustain personal injury by accident arising out of and in the course of her employment on January 15, 1995, and is entitled to benefits under the Kansas Workers Compensation Act. The case is hereby remanded to the Administrative Law Judge to enter an order for benefits consistent with the findings set forth herein. The Appeals Board does not retain jurisdiction over this matter.

IT IS SO ORDERED.

Dated this ____ day of July, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John M. Ostrowski, Topeka, Kansas
John W. Mize, Salina, Kansas
George R. Robertson, Administrative Law Judge
David A. Shufelt, Acting Director